

The Honorable Barbara J Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLARK LANDIS, et al.,

Plaintiff,

VS.

WASHINGTON STATE MAJOR
LEAGUE BASEBALL STADIUM
PUBLIC FACILITIES DISTRICT, et al.,

Defendants.

NO. 2:18-cv-01512-BJR

**DECLARATION OF CONRAD
REYNOLDSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR BILL
OF COSTS**

NOTE ON MOTION CALENDAR

FRIDAY, JANUARY 13, 2020

I, CONRAD REYNOLDSON, declare as follows:

1. I am a managing attorney in the law firm Washington Civil & Disability Advocate, and lead counsel to Plaintiffs in this matter. I am competent to testify and make this declaration based on personal knowledge.

2. I declare that the costs set forth in Plaintiffs' Bill of Costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. This declaration is being submitted to provide additional

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detail about and support for Plaintiffs' costs and the propriety of a bill of costs in Plaintiffs' favor or as an offset against Defendants' bill of costs

3. Plaintiffs are the prevailing party on all issues except for the three issues that went to trial in this case. Plaintiffs won on partial summary judgment on the three issues of seating dimensions, the Edgar's Cantina Lift, and Dugout Access, and according to the Joint Pretrial Statement (ECF # 43) the parties were slated go to trial on 10 issues. As a result of this Court's order to conduct a second mediation, the parties reached a settlement that disposed of all but three issues, and designated Plaintiffs to be the prevailing party with regard to all settled issues.

Fees of the Clerk and Service of Summons and Subpoena

4. Clerk fees paid to the clerk of the court for filing of the complaint and costs for service upon Defendants of the summons, subpoena, and the complaint were necessarily required to initiate the lawsuit, and are proper in Plaintiffs' Motion for Bill of Costs because Plaintiff won on summary judgment on three issues alleged in the complaint.

Printed or Electronically Recorded Transcripts

5. All of the deposition transcripts Plaintiffs ordered were obtained for use in this case because they were either submitted in support of Plaintiffs briefing and/or necessary for us in responding to Defendants' filings regarding the motion for summary judgment.

6. Plaintiffs incurred court reporter fees for and deposition transcript fees for four depositions (Mr. Terry, Ms. Endelman, Mr. Rogel, and Mr. Gooby). These costs are properly taxed because these depositions and transcripts were necessarily obtained for use in the case and thus the presence of a court reporter was required.

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7. Where transcripts were ordered, costs are appropriate given the timing prior to the conclusion of briefing on the motion for summary judgment, which resulted partially in Plaintiffs' favor, and the settlement via mediation, which resulted in further disposition of issues making Plaintiffs the prevailing parties.

Other Costs: Mediation Fees

8. Plaintiffs' share of mediation fees, the majority of which were incurred during court ordered mediation, are properly taxed because mediation resulted in settlement on all but three issues in Plaintiffs' favor, and the settlement expressly defined Plaintiffs as the prevailing parties with regards to all settled issues.

9. The Court correctly deduced that the vast majority of disputed issues could be successfully mediated prior to trial and ordered the parties to conduct a mediation. The mediation resulted in a settlement that reduced the number of issues to be decided at trial from ten (10) issues, according to the Joint Pretrial Statement (ECF # 43), to three (3) issues, according to the Stipulation and Order of Dismissal with Prejudice (ECF # 72).

10. It is my belief that the first mediation was a necessary prerequisite to settlement and laid the groundwork for the settlement eventually reached by the parties as a result of the second mediation.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 23rd day of December, 2019 at Seattle, Washington.

/s/ Conrad Reynoldson
Conrad Reynoldson

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2 **CERTIFICATE OF SERVICE**
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4 I hereby certify that on December 23, 2019, I electronically filed the foregoing with the
5 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
6 following:
7

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